

# EXHIBIT 9

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

\_\_\_\_\_)  
WAYMO LLC, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.  
 ) 3:17-cv-00939-WHA  
UBER TECHNOLOGIES, INC., )  
OTTOMOTTO LLC; Otto )  
Trucking LLC, )  
 )  
Defendants. )  
\_\_\_\_\_)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
VIDEOTAPED DEPOSITION OF NINGJUN QI  
San Francisco, California  
Thursday, June 22, 2017  
Volume I

Reported by: SUZANNE F. GUDELJ  
CSR No. 5111  
Job No. 2644340  
PAGES 1 - 320

## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p>1 MR. JACOBS: You can answer that like</p> <p>2 whether it was orally or by email or --</p> <p>3 THE WITNESS: I don't know.</p> <p>4 BY MS. ROBERTS:</p> <p>5 Q Did you ever learn the reasons that he 10:00:14</p> <p>6 conveyed why his idea wouldn't infringe on other IP?</p> <p>7 MR. JACOBS: And you can answer that yes or</p> <p>8 no.</p> <p>9 THE WITNESS: I learned of one reason.</p> <p>10 BY MS. ROBERTS: 10:00:26</p> <p>11 Q What was that reason?</p> <p>12 MR. JACOBS: Can we confer?</p> <p>13 MS. ROBERTS: Sure. Actually, now is a</p> <p>14 good time for a break anyway.</p> <p>15 VIDEO OPERATOR: Going off the record. The 10:00:34</p> <p>16 time is 10:00 a.m.</p> <p>17 (Recess.)</p> <p>18 VIDEO OPERATOR: Back on the record. The</p> <p>19 time is 10:13 a.m.</p> <p>20 BY MS. ROBERTS: 10:13:25</p> <p>21 Q Before the break, we were talking about the</p> <p>22 reasons that Mr. Levandowski gave for why his idea</p> <p>23 wouldn't infringe on other IP. And the question I</p> <p>24 had asked you is: Did you ever learn the reasons</p> <p>25 that he conveyed? And you said you learned of one 10:13:40</p> <p style="text-align: right;">Page 58</p>	<p>1 whether you have a specific recollection of trade</p> <p>2 secrets being discussed in the conversation you have</p> <p>3 in mind. Otherwise, I instruct you not to answer.</p> <p>4 THE WITNESS: I don't have a specific</p> <p>5 recollection. 10:15:14</p> <p>6 BY MS. ROBERTS:</p> <p>7 Q Okay. Back to questions about document</p> <p>8 retention. Do you use text messages in the course</p> <p>9 of your work at Uber?</p> <p>10 A If by "text messages" -- I mean, yes, if 10:15:42</p> <p>11 you broadly define "text messages."</p> <p>12 Q Okay. Can you clarify what you mean by</p> <p>13 that?</p> <p>14 A SMS versus like an iMessage type client.</p> <p>15 Q Okay. So you're including both of those in 10:15:59</p> <p>16 your def- -- defining broadly?</p> <p>17 A Yes, I'm including when I look at my</p> <p>18 message on my iPhone both green bubbles and blue</p> <p>19 bubbles.</p> <p>20 Q Okay. 10:16:14</p> <p>21 MR. JACOBS: I got that.</p> <p>22 BY MS. ROBERTS:</p> <p>23 Q And so you used -- you communicate with</p> <p>24 others in the context of your employment at Uber</p> <p>25 using the text messaging technologies that you just 10:16:25</p> <p style="text-align: right;">Page 60</p>
<p>1 reason. And then I asked: What was that reason?</p> <p>2 MR. JACOBS: And then -- so I'll instruct</p> <p>3 you not to answer as to the specifics of the reason,</p> <p>4 but in general terms what Mr. Levan- -- what the</p> <p>5 nature of Mr. Levandowski's response. 10:13:52</p> <p>6 THE WITNESS: He thought that his idea, the</p> <p>7 way it was designed, was not -- would not infringe</p> <p>8 on other companies' patents.</p> <p>9 BY MS. ROBERTS:</p> <p>10 Q So it was specific to patents? 10:14:11</p> <p>11 A Yes.</p> <p>12 Q And when -- when you say that he thought</p> <p>13 his idea would not infringe on other companies'</p> <p>14 patents, did -- were specific companies discussed?</p> <p>15 A Yes. 10:14:30</p> <p>16 Q What companies were discussed?</p> <p>17 MR. JACOBS: You can answer that.</p> <p>18 THE WITNESS: Velodyne, Google.</p> <p>19 BY MS. ROBERTS:</p> <p>20 Q Anybody else? 10:14:41</p> <p>21 A Not that I can remember.</p> <p>22 Q Did Mr. Levandowski indicate or convey to</p> <p>23 Uber that he -- whether he thought his idea would</p> <p>24 use trade secrets of other companies?</p> <p>25 MR. JACOBS: You can answer on the topic of 10:14:59</p> <p style="text-align: right;">Page 59</p>	<p>1 referenced?</p> <p>2 A Yes.</p> <p>3 Q Have you ever deleted any texts that were</p> <p>4 related to your employment at Uber?</p> <p>5 A Yes. 10:16:38</p> <p>6 Q And what is your practice for deleting text</p> <p>7 messages relating to your employment?</p> <p>8 A There really isn't a practice. Sometimes I</p> <p>9 clean out messages that -- from people that I don't</p> <p>10 think I will talk to for a while. 10:16:58</p> <p>11 Q How often do you clean out messages in that</p> <p>12 manner?</p> <p>13 A I can't really say.</p> <p>14 Q Did you communicate with others via text</p> <p>15 regarding the acquisition of Otto? 10:17:15</p> <p>16 A Yes.</p> <p>17 Q And have you deleted any texts with anybody</p> <p>18 which related to the acquisition of Otto?</p> <p>19 A Yes.</p> <p>20 Q And to the best of your recollection, what 10:17:27</p> <p>21 texts did you delete?</p> <p>22 A I've deleted some texts with Anthony.</p> <p>23 That's the only one I can remember.</p> <p>24 Q When did you delete those texts with</p> <p>25 Anthony? 10:17:52</p> <p style="text-align: right;">Page 61</p>

## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p>1 A I don't have a good sense of when.</p> <p>2 Q Was it before or after you were aware that</p> <p>3 the -- there was litigation relating to Uber's</p> <p>4 acquisition of Otto?</p> <p>5 A Before. 10:18:07</p> <p>6 Q Before. Can you recall how long before you</p> <p>7 learned of the litigation that you deleted texts</p> <p>8 with Anthony?</p> <p>9 A Before 2017.</p> <p>10 Q Before 2017. How many texts did you delete 10:18:30</p> <p>11 with Anthony?</p> <p>12 A I don't remember that.</p> <p>13 Q Was it like a single text that you deleted</p> <p>14 or a larger group of texts?</p> <p>15 A I deleted based on when you open up your 10:18:56</p> <p>16 iPhone and you can just delete. So I don't have a</p> <p>17 good sense of number of texts.</p> <p>18 Q Okay. I'm not quite sure I'm understanding</p> <p>19 the technology you're referring to. Can you provide</p> <p>20 a little bit more detail? 10:19:12</p> <p>21 A So when you open up your message client on</p> <p>22 your phone and you see all the messages, right, from</p> <p>23 various people, without drilling into the specific</p> <p>24 person, I just deleted that group, that -- basically</p> <p>25 his name. 10:19:33</p> <p style="text-align: right;">Page 62</p>	<p>1 You said that you deleted texts between you</p> <p>2 and Mr. Levandowski sometime before 2017, correct?</p> <p>3 A Yes.</p> <p>4 Q And so if I understand your description of</p> <p>5 the technology correctly, you deleted all messages 10:21:00</p> <p>6 with Mr. Levandowski prior to that date that you</p> <p>7 deleted them, correct?</p> <p>8 A Yes.</p> <p>9 Q Okay. And so there could be more text</p> <p>10 messages with Mr. Levandowski since you deleted 10:21:11</p> <p>11 everything prior to your -- that deletion date,</p> <p>12 correct?</p> <p>13 A Yes --</p> <p>14 Q Okay.</p> <p>15 A -- that's correct. 10:21:21</p> <p>16 Q And you haven't provided those to Uber for</p> <p>17 production in this case?</p> <p>18 A No.</p> <p>19 Q Have you -- we talked about deleting text</p> <p>20 messages between you and Mr. Levandowski. Are 10:21:38</p> <p>21 there -- did you communicate with anybody else</p> <p>22 relating to the acquisition of Otto and negotiations</p> <p>23 via text?</p> <p>24 A Yes.</p> <p>25 Q Who else did you communicate with via text? 10:21:51</p> <p style="text-align: right;">Page 64</p>
<p>1 Q So that would have deleted all messages</p> <p>2 with Mr. Levandowski prior to the date that you</p> <p>3 deleted?</p> <p>4 A That is my understanding of the technology,</p> <p>5 yes. 10:19:44</p> <p>6 Q Did you frequently communicate with Mr.</p> <p>7 Levandowski via text relating to the acquisition of</p> <p>8 Otto and negotiations associated with it?</p> <p>9 A I don't know about frequently. I don't</p> <p>10 know how you would define that. But yes, I did 10:20:04</p> <p>11 communicate with him via text.</p> <p>12 Q Have you handed over text messages to Uber</p> <p>13 so that they can produce them in this litigation?</p> <p>14 A No.</p> <p>15 Q Have you handed your phone over to Uber so 10:20:21</p> <p>16 that texts could be searched for to be produced in</p> <p>17 this litigation?</p> <p>18 A No.</p> <p>19 Q To the best of your recollection, have all</p> <p>20 text messages between you and Mr. Levandowski that 10:20:31</p> <p>21 were on your phone been deleted by you?</p> <p>22 A Not -- what -- are you referring to a</p> <p>23 specific time period?</p> <p>24 Q Well, you said you -- okay. Let me</p> <p>25 clarify. 10:20:50</p> <p style="text-align: right;">Page 63</p>	<p>1 A Cam.</p> <p>2 Q Cameron Poetzsch?</p> <p>3 A Yes.</p> <p>4 Q Anybody else?</p> <p>5 A Lior. 10:22:01</p> <p>6 Q Anybody else?</p> <p>7 A Anybody else -- anybody else would be a</p> <p>8 speculation. I would not be able to tell you.</p> <p>9 Q Okay. Have you ever deleted any of your</p> <p>10 texts with Mr. Poetzsch that relate to the Otto 10:22:11</p> <p>11 acquisition or negotiations of the same?</p> <p>12 A It's possible, but I can't say for sure.</p> <p>13 Q So unlike where you specifically remember</p> <p>14 that you went in and deleted texts with Mr.</p> <p>15 Levandowski, you don't recall doing the same with 10:22:30</p> <p>16 respect to texts for -- with Mr. Poetzsch?</p> <p>17 A That's correct.</p> <p>18 Q Okay. Turning to Mr. Ron, have you deleted</p> <p>19 any texts between you and Mr. Ron?</p> <p>20 A Again, it's possible, but I don't remember 10:22:45</p> <p>21 specifics.</p> <p>22 Q So again, unlike Mr. Levandowski where you</p> <p>23 specifically recall that you deleted texts between</p> <p>24 you and him, you don't specifically recall if you</p> <p>25 deleted texts with Lior Ron? 10:22:57</p> <p style="text-align: right;">Page 65</p>

## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p>1 A Lior.</p> <p>2 Q Anybody else?</p> <p>3 A His outside counsel.</p> <p>4 Q Why did you communicate with Mr.</p> <p>5 Levandowski by text during this time period? 01:58:02</p> <p>6 A Because he preferred that we kept</p> <p>7 communication off email and over text only, and</p> <p>8 obvious -- text and phone.</p> <p>9 Q And you previously testified that at some</p> <p>10 point before 2017, you deleted all of your texts 01:58:23</p> <p>11 with Mr. Levandowski?</p> <p>12 A Yes, that's correct.</p> <p>13 Q So the texts that you had with him in the</p> <p>14 first quarter of 2016 when negotiating an</p> <p>15 acquisition agreement, those have all been deleted? 01:58:37</p> <p>16 A I don't know when I was asked to delete it,</p> <p>17 so I can't really tell you if that time frame, those</p> <p>18 texts were deleted or not.</p> <p>19 Q You said you don't know when you were asked</p> <p>20 to delete them. Did I hear you correctly? 01:58:50</p> <p>21 A Yes, that's correct.</p> <p>22 Q Who asked you to delete them?</p> <p>23 A Anthony.</p> <p>24 Q And -- but you don't recall when he asked</p> <p>25 you to do that? 01:59:01</p> <p style="text-align: right;">Page 178</p>	<p>1 delete?</p> <p>2 MR. JACOBS: You can answer that yes or no.</p> <p>3 Well, you can answer as to nonlawyers. If you</p> <p>4 consulted with counsel, you can answer yes or no the</p> <p>5 fact of such consultation without revealing the 02:00:51</p> <p>6 advice you got.</p> <p>7 THE WITNESS: I didn't consult anyone, but</p> <p>8 Cam was in the room when Anthony asked us, and he</p> <p>9 agreed that we would do that, because we understood</p> <p>10 that M&amp;A deals are confidential; and if this is 02:01:10</p> <p>11 something that would make the other side feel more</p> <p>12 comfortable, that it was something that we could do.</p> <p>13 BY MS. ROBERTS:</p> <p>14 Q Did you tell anybody at Uber, other than</p> <p>15 Mr. Poetzsch who was in the room at the time, that 02:01:25</p> <p>16 Mr. Levandowski had asked you to delete emails -- or</p> <p>17 excuse me, delete texts?</p> <p>18 A Yes.</p> <p>19 Q Who did you tell?</p> <p>20 A Lawyers. 02:01:37</p> <p>21 Q Did you ask the lawyers whether you should</p> <p>22 delete the emails that Mr. Levandowski -- or excuse</p> <p>23 me, delete the texts at Mr. Levandowski's request?</p> <p>24 MR. JACOBS: I'm going to instruct you not</p> <p>25 to answer because that calls for privileged advice. 02:01:53</p> <p style="text-align: right;">Page 180</p>
<p>1 A Yes, that's correct.</p> <p>2 Q Did he ask you to delete them before or</p> <p>3 after the merger and acquisition agreement was</p> <p>4 signed?</p> <p>5 A Before. 01:59:13</p> <p>6 Q Did he say why you should delete the texts?</p> <p>7 A Yes. He was concerned, in general, that</p> <p>8 other people may find out, and it's not unusual for</p> <p>9 M&amp;A deals to be conducted over other mediums besides</p> <p>10 email. 01:59:42</p> <p>11 Q So he -- he asked you to delete the texts</p> <p>12 that you had with him because he was concerned, in</p> <p>13 general, that other people may find out. Is that</p> <p>14 about the deal?</p> <p>15 A Yes. 02:00:07</p> <p>16 Q Did he tell you explicitly what he was</p> <p>17 concerned other people would find out about if you</p> <p>18 didn't delete the texts exchanged with him?</p> <p>19 A He didn't go into specifics, but he did say</p> <p>20 that it was important to him so that this -- these 02:00:20</p> <p>21 discussions were confidential, and he would prefer</p> <p>22 that -- he would prefer and asked us if we could</p> <p>23 delete the messages.</p> <p>24 Q Did you consult with anybody about whether</p> <p>25 you should delete the messages that he asked you to 02:00:39</p> <p style="text-align: right;">Page 179</p>	<p>1 THE WITNESS: I'm not going to answer that.</p> <p>2 MS. ROBERTS: Let's go ahead and take a</p> <p>3 break.</p> <p>4 THE WITNESS: Okay.</p> <p>5 VIDEO OPERATOR: Going off the record. The 02:02:00</p> <p>6 time is 2:02 p.m.</p> <p>7 (Recess.)</p> <p>8 VIDEO OPERATOR: Back on the record. The</p> <p>9 time is 2:09 p.m.</p> <p>10 BY MS. ROBERTS: 02:09:24</p> <p>11 Q Before the break, we were discussing</p> <p>12 communicating with Mr. Levandowski via text when</p> <p>13 negotiating the potential acquisition, right?</p> <p>14 A Yes.</p> <p>15 Q Did you exchange draft term sheets with Mr. 02:09:34</p> <p>16 Levandowski or anyone acting on his behalf?</p> <p>17 A Yes.</p> <p>18 Q And how did you exchange those?</p> <p>19 A When are you talking about?</p> <p>20 Q Before -- I guess before the deal became 02:09:50</p> <p>21 public.</p> <p>22 MR. JACOBS: But after its -- turn -- this</p> <p>23 is now in phase 2 after the -- after late December</p> <p>24 2015?</p> <p>25 MS. ROBERTS: Right. I guess we're phase 02:10:01</p> <p style="text-align: right;">Page 181</p>

## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

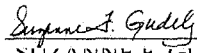
<p>1 with acquiring Otto?</p> <p>2 MR. JACOBS: I'm going to instruct you not</p> <p>3 to answer.</p> <p>4 THE WITNESS: I'm not going to answer that.</p> <p>5 MS. ROBERTS: And for the record, all of 04:47:42</p> <p>6 these instructions are based on privilege?</p> <p>7 MR. JACOBS: Yes.</p> <p>8 BY MS. ROBERTS:</p> <p>9 Q Do you recall a meeting with Mr.</p> <p>10 Levandowski in March of 2016 in which some discs 04:47:54</p> <p>11 containing Google information was discussed?</p> <p>12 A Yes.</p> <p>13 Q Tell me what you can recall about that</p> <p>14 meeting.</p> <p>15 A We had convened the meeting to discuss 04:48:12</p> <p>16 deal-related items. In that meeting, at one point,</p> <p>17 Anthony mentioned that he at that time possessed</p> <p>18 Google information, that while it was encrypted, he</p> <p>19 had the ability to access it. He -- he mentioned</p> <p>20 that he had not opened it, merely that he had the 04:48:44</p> <p>21 ability to open it.</p> <p>22 Lior said he was telling -- they were</p> <p>23 telling us in the interest of being fully</p> <p>24 transparent, and Anthony wanted to know what he</p> <p>25 should do. 04:49:05</p> <p style="text-align: right;">Page 278</p>	<p>1 conclusion given the fact that it was encrypted, can</p> <p>2 you clarify that?</p> <p>3 A At that time, I personally thought it may</p> <p>4 have had something to do with self-driving, but I</p> <p>5 remember Anthony -- or I -- my understanding of what 04:51:07</p> <p>6 Anthony said was that it seemed to be mapping</p> <p>7 related.</p> <p>8 Q Did he say how he knew it was mapping</p> <p>9 related?</p> <p>10 A Not that what I -- not based on what I can 04:51:23</p> <p>11 remember.</p> <p>12 Q But he did tell you that the discs were</p> <p>13 encrypted?</p> <p>14 A He said that there was an encryption on it,</p> <p>15 yes. 04:51:34</p> <p>16 Q And that he could access the discs even</p> <p>17 though they were encrypted?</p> <p>18 A Yes, he said that he had the ability to</p> <p>19 unencrypt them.</p> <p>20 Q And had he done so? 04:51:46</p> <p>21 A He said he had not.</p> <p>22 Q Okay. So if he hadn't encrypt- --</p> <p>23 unencrypted the discs that he had the -- that he had</p> <p>24 the capability to unencrypt, did he say how he knew</p> <p>25 that they contained mapping-related information? 04:52:05</p> <p style="text-align: right;">Page 280</p>
<p>1 Q Who was present at this meeting?</p> <p>2 A Besides Anthony and Lior, Travis, Cam, and</p> <p>3 myself.</p> <p>4 Q Did Mr. Levandowski provide any more detail</p> <p>5 about what was on the five discs containing Google 04:49:27</p> <p>6 information?</p> <p>7 A Yes.</p> <p>8 Q What did he say was on the discs?</p> <p>9 A I didn't understand him a hundred percent,</p> <p>10 but I thought -- personally, I thought he was 04:49:41</p> <p>11 referring to something mapping related that</p> <p>12 potentially was also related to self-driving.</p> <p>13 Q So it was your understanding at the time of</p> <p>14 this March 2016 meeting, based on Mr. Levandowski's</p> <p>15 explanation, that he had in his possession -- in his 04:50:09</p> <p>16 possession Google confidential information that</p> <p>17 potentially related to self-driving vehicles?</p> <p>18 A My understanding was that it was mapping</p> <p>19 specific.</p> <p>20 Q And then what made you think that that was 04:50:29</p> <p>21 potentially related to self-driving technology?</p> <p>22 A He may have mentioned that or it may have</p> <p>23 been my conclusion given the fact that it was</p> <p>24 encrypted.</p> <p>25 Q When you say it may have been your 04:50:48</p> <p style="text-align: right;">Page 279</p>	<p>1 A Not that I can remember.</p> <p>2 Q And then the -- your statement that the</p> <p>3 information on these discs containing Google</p> <p>4 confidential information may have related to</p> <p>5 self-driving -- -driving vehicles, is that based on 04:52:26</p> <p>6 the statement that Mr. Levandowski made?</p> <p>7 A I don't remember. I don't think so. I'm</p> <p>8 not sure.</p> <p>9 Q Did Mr. Ron give any indication that he</p> <p>10 knew what these materials were that Mr. Levandowski 04:52:42</p> <p>11 still had from Google?</p> <p>12 A To the best of my recollection, no.</p> <p>13 Q And so just to make sure I understand, you</p> <p>14 recall Mr. Levandowski saying that the discs</p> <p>15 contained Google confidential information about 04:53:01</p> <p>16 mapping, but you can't recall -- and -- and sitting</p> <p>17 here today, you remember thinking that that</p> <p>18 information might also be related to self-driving</p> <p>19 vehicles; is that correct so far?</p> <p>20 MR. JACOBS: Objection. Mischaracterizes 04:53:14</p> <p>21 the testimony.</p> <p>22 THE WITNESS: I don't think I said it was</p> <p>23 confidential information, only that it was</p> <p>24 encrypted.</p> <p>25 BY MS. ROBERTS: 04:53:23</p> <p style="text-align: right;">Page 281</p>

## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p>1 Q Okay. So taking a step back, you recall</p> <p>2 Mr. Levandowski saying that the discs</p> <p>3 containing Google in- -- contained Google</p> <p>4 information about mapping; is that right?</p> <p>5 A Yes. 04:53:44</p> <p>6 Q And sitting here today, you remember</p> <p>7 thinking that the information might also be related</p> <p>8 to self-driving vehicles; is that correct?</p> <p>9 A Yes.</p> <p>10 Q And sitting here today, you don't recall if 04:53:55</p> <p>11 that understanding of yours was based on something</p> <p>12 Mr. Levandowski said or an assumption by you?</p> <p>13 A That is correct.</p> <p>14 Q Okay. So after Mr. Levandowski said --</p> <p>15 well, let me ask a different question. 04:54:11</p> <p>16 You clarified that this information -- that</p> <p>17 you didn't say that this information was Google</p> <p>18 confidential information; is that right?</p> <p>19 A Yes, that's correct.</p> <p>20 Q Did Mr. Levandowski give you any indication 04:54:22</p> <p>21 that the materials he had in his possession was --</p> <p>22 were Google confidential information?</p> <p>23 A I'm not sure. I don't remember. I only</p> <p>24 remember him saying that it was encrypted.</p> <p>25 Q And after he advised those of you at this 04:54:39</p> <p style="text-align: right;">Page 282</p>	<p>1 clarification, what was the ultimate conclusion?</p> <p>2 A That he had the ability to open the files,</p> <p>3 but he did not open the files.</p> <p>4 Q Okay. And then after -- after Mr.</p> <p>5 Poetzscher joked that Mr. Levandowski should throw 04:56:46</p> <p>6 these files containing Google information into the</p> <p>7 river, Mr. Kalanick said not to listen to him,</p> <p>8 right?</p> <p>9 A Yes.</p> <p>10 Q And advised Mr. Levandowski to talk to his 04:56:58</p> <p>11 lawyer?</p> <p>12 A Yes, that's correct.</p> <p>13 Q And also said that you, the Uber</p> <p>14 individuals at this meeting, would talk to your</p> <p>15 lawyers? 04:57:09</p> <p>16 A Yes.</p> <p>17 Q Did Uber -- did -- did the Uber individuals</p> <p>18 who were at this meeting talk to Uber's lawyers</p> <p>19 about what Mr. Levandowski should do with these</p> <p>20 discs? 04:57:23</p> <p>21 MR. JACOBS: You can answer that yes or no</p> <p>22 as to the topic of what to do with the discs.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MS. ROBERTS:</p> <p>25 Q And who specifically did you discuss it 04:57:31</p> <p style="text-align: right;">Page 284</p>
<p>1 meeting that he had these five encrypted --</p> <p>2 encrypted discs containing Google information,</p> <p>3 what -- what was the response at that meeting?</p> <p>4 A There was some back and forth into</p> <p>5 determining and to clarifying did he or did he not 04:55:00</p> <p>6 open them; could he or could -- or could he not</p> <p>7 op- -- actually like unencrypt the file.</p> <p>8 At one point Cam jokingly said, "You should</p> <p>9 probably just throw that in the river," or something</p> <p>10 along those lines, to which Travis actually raised 04:55:22</p> <p>11 his right arm to basically look like he was going to</p> <p>12 block Cam like this (indicating) -- I know you can't</p> <p>13 like record that -- and said like, "Don't listen to</p> <p>14 him. He doesn't know what he's talking about. You</p> <p>15 should talk to your lawyers," basically, and then 04:55:49</p> <p>16 reiterated, "Don't listen to Cam." And then said,</p> <p>17 "I know you'll do the right thing."</p> <p>18 And we also said we would talk to our</p> <p>19 lawyers.</p> <p>20 Q Okay. Going back to you said there was 04:56:09</p> <p>21 sort of a back and forth trying to clarify whether</p> <p>22 Mr. Levandowski had accessed the files and whether</p> <p>23 he could access the files; is that right?</p> <p>24 A Yes.</p> <p>25 Q And in part of that back-and-forth 04:56:27</p> <p style="text-align: right;">Page 283</p>	<p>1 with?</p> <p>2 MR. JACOBS: You can answer that.</p> <p>3 THE WITNESS: Lawyers.</p> <p>4 BY MS. ROBERTS:</p> <p>5 Q Were they in-house lawyers or outside 04:57:38</p> <p>6 counsel?</p> <p>7 A Both.</p> <p>8 Q Both. And what did Uber's lawyers tell you</p> <p>9 Mr. Levandowski should do with the -- the discs</p> <p>10 containing Google information? 04:57:52</p> <p>11 MR. JACOBS: I'm going to instruct you not</p> <p>12 to answer on the grounds that that seeks privileged</p> <p>13 legal advice.</p> <p>14 THE WITNESS: I'm not going to answer that.</p> <p>15 BY MS. ROBERTS: 04:58:00</p> <p>16 Q Did -- following the meeting with Mr.</p> <p>17 Levandowski, did Uber convey to Mr. Levandowski what</p> <p>18 Uber thought he should do with the discs?</p> <p>19 A Yes, I believe so.</p> <p>20 Q And what was conveyed to Mr. Levandowski 04:58:19</p> <p>21 about what he should do with the -- the discs?</p> <p>22 A I don't think I can --</p> <p>23 MR. JACOBS: You can say what was conveyed</p> <p>24 to him by -- yes, you can answer that question.</p> <p>25 THE WITNESS: Okay. We told him to talk to 04:58:32</p> <p style="text-align: right;">Page 285</p>



## HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

<p>1 VIDEO OPERATOR: This concludes today's  2 videotaped deposition of Nina Qi. We're off the  3 record at 5:45 p.m.  4 (TIME NOTED: 5:45 p.m.)  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p> <p style="text-align: right;">Page 318</p>	<p>1 I, the undersigned, a Certified Shorthand  2 Reporter of the State of California, do hereby  3 certify:  4 That the foregoing proceedings were taken  5 before me at the time and place herein set forth;  6 that any witnesses in the foregoing proceedings,  7 prior to testifying, were duly sworn; that a record  8 of the proceedings was made by me using machine  9 shorthand which was thereafter transcribed under my  10 direction; that the foregoing transcript is a true  11 record of the testimony given.  12 Further, that if the foregoing pertains to  13 the original transcript of a deposition in a Federal  14 Case, before completion of the proceedings, review  15 of the transcript [X] was [ ] was not requested.  16 I further certify I am neither financially  17 interested in the action nor a relative or employee  18 of any attorney or party to this action.  19 IN WITNESS WHEREOF, I have this date  20 subscribed my name.  21 Dated: 6/23/2017  22  23  24   25 SUZANNE F. GUEDELJ  CSR No. 5111</p> <p style="text-align: right;">Page 320</p>
<p>1  2  3  4  5  6  7  8 I, NINGJUN QI, do hereby declare under  9 penalty of perjury that I have read the foregoing  10 transcript of my deposition; that I have made such  11 corrections as noted herein, in ink, initialed by  12 me, or attached hereto; that my testimony as  13 contained herein, as corrected, is true and correct.  14 EXECUTED this ____ day of _____,  15 2017, at _____,  16 (City) (State)  17  18  19 NINGJUN QI  20 Volume I  21  22  23  24  25</p> <p style="text-align: right;">Page 319</p>	